IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 3284 OF 1986

Vidarbha Weavers Central
Cooperative Society Ltd., .. Plaintiffs.

vs.

M/s. Dilip Trading Co.
& Ors. .. Defendants.

Mr. K.K. Tated for plaintiffs.
None for Defendants.

CORAM : S.U.KAMDAR, J.

DATE : 23rd February, 2006.

P.C.

. The present suit is filed for recovery of the sum of Rs. 1,16,614.61 comprising of the principal amount of Rs. 94,044.05 and interest of Rs. 22,570/-. The plaintiff has also claimed further interest on the principal amount of Rs. 94,044.05 at the rate of 18%. The plaintiff's case is that the defendant was appointed as an agent under an agreement dated 14.2.1983 and pursuant to the said agency agreement he was entrusted certain goods. The said goods however were missing from the depot and the same were removed from the defendant

and the defendant has admitted the aforesaid fact by a letter dated 12.3.1985. The said letter has been sent by the 3rd defendant and the payment was to be made within 45 days. Since no payment was made, a demand notice was served on the defendant but there was no reply. Accordingly, the present suit is filed for recovery of the aforesaid amount. The defendants are served. The defendants advocate has filed vakalatnama but there is no written statement filed. The advocate for the defendants is also not appearing in the present proceedings. The plaintiff has filed documents which are taken on record and marked Exhibit A collectively. There shall be a decree in favour of the plaintiffs and against the defendants for the sum of Rs. 1,16,614.61 along with interest at the rate of 12% being the simple rate of interest on the principal amount of Rs. 94,044.05 from the date of the suit till payment and/or realisation. Suit decreed. Refund of court fee as per rules. No order as to costs.